

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

<b>(1) DEPARTMENT</b> General Services Agency	<b>(2) MEETING DATE</b> 2/26/2013	<b>(3) CONTACT/PHONE</b> Curtis Black, Deputy Director - Parks 805/781-5204 <div style="text-align: right;">EK</div>	
<b>(4) SUBJECT</b> Adoption of a resolution accepting two Irrevocable Offers of Dedication on lot 5 of parcel map 96-036, a 27 acre parcel in the Pirates' Cove area of Avila Beach. District 3.			
<b>(5) RECOMMENDED ACTION</b> It is recommended that the Board adopt the resolution accepting: 1. The Irrevocable Offer to Dedicate In Fee of lot 5 of parcel map 96-036, (document #2008-062602) a 27 acre parcel in Pirate's Cove; and, 2. The Irrevocable Offer to Dedicate Vertical, Lateral and Parking Lot Easements (document 1999-087547) for public access to the parcel and Pirate's Cove Beach on lot 5 of parcel map 96-036 in Avila Beach.			
<b>(6) FUNDING SOURCE(S)</b>	<b>(7) CURRENT YEAR FINANCIAL IMPACT</b> \$0.00	<b>(8) ANNUAL FINANCIAL IMPACT</b> \$42,500.00	<b>(9) BUDGETED?</b> No
<b>(10) AGENDA PLACEMENT</b> <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est.) <input checked="" type="checkbox"/> Board Business (Time Est. 20 minutes)			
<b>(11) EXECUTED DOCUMENTS</b> <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
<b>(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)</b> n/a		<b>(13) BUDGET ADJUSTMENT REQUIRED?</b> BAR ID Number: n/a <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
<b>(14) LOCATION MAP</b> Attached	<b>(15) BUSINESS IMPACT STATEMENT?</b> No	<b>(16) AGENDA ITEM HISTORY</b> <input type="checkbox"/> N/A Date November 18, 2008	
<b>(17) ADMINISTRATIVE OFFICE REVIEW</b> Vincent Morici			
<b>(18) SUPERVISOR DISTRICT(S)</b> District 3 -			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: General Services Agency / Curtis Black  
805/781-5204

DATE: 2/26/2013

SUBJECT: Adoption of a resolution accepting two Irrevocable Offers of Dedication on lot 5 of parcel map 96-036, a 27 acre parcel in the Pirates' Cove area of Avila Beach. District 3.

## **RECOMMENDATION**

It is recommended that the Board adopt the resolution accepting:

1. The Irrevocable Offer to Dedicate In Fee of lot 5 of parcel map 96-036, (document #2008-062602) a 27 acre parcel in Pirate's Cove; and,
2. The Irrevocable Offer to Dedicate Vertical, Lateral and Parking Lot Easements (document 1999-087547) for public access to the parcel and Pirate's Cove Beach on lot 5 of parcel map 96-036 in Avila Beach.

## **DISCUSSION**

Pirates' Cove is located on a parcel of land that sits between the Pacific Ocean and Cave Landing Road, in the community of Avila Beach. The immediate area is characterized by stunning views of the Pacific Ocean, steep hills of Ontario Ridge and large homes of Shell beach. The site is 27 acres and has a history of informal recreational uses under private ownership including: cave visitation, volunteer trail use, and coastal access to 3,100 linear feet sandy beach area known as Pirates' Cove, a secluded beach that is used as a clothing optional beach.

Accepting the vertical, lateral and parking lot easements will allow the County to provide public access to the parcel, the new parking lot and the trail leading down to the beach. These easements do not entail use of the property for other purposes such as utility easements or other right(s) of entry.

Accepting this site into the County Parks inventory will allow a County Parks' project to move forward. It will formalize the site's existing recreational use, improve trail safety and coastal access, and provide the necessary amenities including: a restroom; parking lot improvements; benches; interpretive signs; and trash receptacles (see Attachment 4). This project is fully funded by grants (Coastal Conservancy, Fish and Game, and State Highway Administration) and is in Coastal Permit review with the County Planning Department.

The County has a long history of real estate transactions at this location. In 1999 an irrevocable offer of dedication was made, to the County, to provide vertical public access to the shoreline and to provide lateral public access and passive recreational use along the shoreline. In 2002, the Department of Fish and Game awarded funds from the Unocal Avila Beach Oil Spill Settlement to County Parks to create Cave Landing Trail (a trail between Shell Beach and Pirates' Cove parking lot). In 2008, the County purchased the hillside lot adjacent to Pirates' Cove (see attached Vicinity Map) to ensure continued open space in this area. As part of the purchase negotiation, an irrevocable offer of dedication in fee was made, to the County, for lot 5 (Pirates' Cove).

It was the intention of the County to identify and appropriate the funds necessary to construct safe access for the public, and to accept this Irrevocable Offer to Dedicate lot 5 in fee, as soon as reasonably possible. In 2012, the California Coastal Conservancy and the State Highway Administration committed grant funds needed to construct the parking lot and coastal access improvements. The County must accept this parcel into its inventory to move forward with these

proposed improvements.

Accepting the Irrevocable Offer to Dedicate In Fee of lot 5 and the Irrevocable Offer to Dedicate Vertical, Lateral and Parking Lot Easements into the County's inventory is consistent with the County General Plan, Local Coastal Plan, and Parks and Recreation Element, as verified by an approved General Plan Conformity Report approved by the Planning Commission in 2008. Specifically, accepting this parcel and easements is aligned with the Local Coastal Plan policies regarding: coastal access; visitor serving and recreation; and, open space. Accepting this parcel and easements is also aligned with the Parks and Recreation Element goals to: "Augment access to and along the coast"; "Preserve unique natural areas and sensitive resources"; and, "Incorporate a variety of funding sources to expand, acquire, develop and maintain parks, recreation opportunities and natural areas."

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel and the County Administrative Office have reviewed the offers to dedicate. The Park and Recreation Commission have recommended that the Board of Supervisors accept this lot and easements into the County's land inventory.

#### **FINANCIAL CONSIDERATIONS**

Accepting the Irrevocable Offer to Dedicate In Fee of lot 5 and the Irrevocable Offer to Dedicate Vertical, Lateral and Parking Lot Easements into the County's land inventory will not require capital investment.

Once improvements are made, operating costs for this site will be approximately \$42,500 per year. This includes restroom and parking lot maintenance, garbage/debris removal, trail and beach patrol, litter removal, general trail maintenance and vegetation removal. This cost is not currently funded within County Parks' maintenance budget. Operations funding will be determined as a specific construction improvements project is brought to the Board.

Once the lot and easements are accepted, staff would seek permits required for construction of the planned projects. Once permits are secured, staff will return to the Board of Supervisors to approve specific projects and determine appropriate operations funding.

#### **RESULTS**

Approval of this item will include lot 5 of Parcel Map 96-036 and easements in this area into the County's land inventory supporting the County's goal of providing a livable community.

#### **ATTACHMENTS**

1. Resolution to Accept Lot and Easements
2. Vicinity Map
3. Site Map
4. Proposed Improvements